

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHAEL MCGREGOR, *et al.*,

Plaintiffs,

v.

SUFFOLK COUNTY, NEW YORK, *et al.*,

Defendants.

No. 2:23-cv-01130(GRB)(ARL)

**DR. JACLYN SCHILDKRAUT'S MOTION FOR LEAVE TO APPEAR AS *AMICUS*
CURIAE AND TO FILE AN AMICUS BRIEF IN SUPPORT OF DEFENDANT
SUPERINTENDENT NIGRELLI'S OPPOSITION TO PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

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Dr. Jaclyn Schildkraut, Ph.D. moves for leave to appear as *amicus curiae* and to file the attached brief in support of Defendant Superintendent Nigrelli's Opposition to Plaintiffs' Motion for a Preliminary Injunction. All Defendants have consented. Plaintiffs have indicated that they will oppose.

The decision to grant or deny leave to file an amicus brief is "a matter of judicial discretion." *Young Advocs. for Fair Educ. v. Cuomo*, 2018 WL 10561496, at *1 (E.D.N.Y. October 30, 2018). The purpose of an amicus brief is "to provide supplementary assistance to existing counsel and [to] insur[e] a complete and plenary presentation of difficult issues so that the court may reach a proper decision." *United States v. Gotti*, 755 F. Supp. 1157, 1158 (E.D.N.Y. 1991). An amicus brief assists the Court when it has "unique information or perspective that can help the court beyond the help that the lawyers for the parties may be able to provide." *Young Advocs.*, 2018 WL 10561496 at *1 (quoting *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997)).

Dr. Schildkraut is the Executive Director of the Regional Gun Violence Research Consortium at the Rockefeller Institute of Government. Prior to this appointment, she served as an Associate Professor of Criminal Justice at the State University of New York (SUNY) at Oswego. She is widely regarded as a leading national expert on mass shootings. Dr. Schildkraut has published her acclaimed research in numerous academic and legal journals and has authored and/or edited numerous books, book chapters, and policy briefs relating to mass shootings. As part of her research, Dr. Schildkraut has examined leakage by mass shooters in advance of perpetrating their crimes, including leakage via social media. "Leakage" is a term used to describe the assailant's communication to a third party of an intent to do future harm. This type

of pre-shooting leakage occurred in the lead-up to the mass shooting that took place at Tops Friendly Market in Buffalo, New York on May 14, 2022.

Here, Dr. Schildkraut's proposed brief provides a unique perspective on how New York's licensing requirement for semiautomatic rifles could prevent gun violence. Dr. Schildkraut's brief summarizes evidence-based research regarding the potentially predictive nature of leakage and the New York licensing requirement's violence-mitigating potential. Her brief focuses on a discrete tool for preventing mass shootings and its nexus to the licensing requirement at issue. She illustrates how the licensing requirement will allow for more thorough investigations into channels where leakage can be detected, such as social media. As the proposed brief explains, states that have implemented similar licensing requirements have experienced decreased homicide rates. Dr. Schildkraut's unique perspective will ensure the Court possesses a complete and plenary understanding of the relevant issues.

For the foregoing reasons, Dr. Schildkraut respectfully requests that the Court grant this motion and accept for filing the accompanying *amicus curiae* brief.

DATED: June 26, 2023

Respectfully submitted,

By: /s/ Leigh Rome
 Leigh Rome

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